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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,341	10/30/2003	Joel Gilon	03-665	7503

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

EXAMINER

JOHNSON, STEPHEN

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,341

Applicant(s)

GILON, JOEL

Examiner

Stephen M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Elizondo (054).

Elizondo (054) discloses a public transportation vehicle and associate method comprising:

- | | |
|--|---------------------------|
| a) an interior; | inside 14 |
| b) blast-resistant protection means (partition means); | 12 (left and right walls) |
| c) a plurality of interconnect subspaces; | contained by 12's |
| d) at least 6 spaced-apart blast-resistant panels; and | 12 (left and right walls) |
| e) anchoring the panels to an adjacent structure. | col. 3, lines 35-62 |

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 11/9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elizondo (504) in view of Batt et al. (648 A1).

Elizondo (504) applies as previously recited. However, undisclosed as apertures to attenuate the blast. Blatt et al. (648 A1) teach apertures to attenuate the blast 80. Selecting a means know in this art to attenuate blasts (see para. [0020]) and putting it to use as it is already

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commonly known to be used in this art. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Batt et al. to the Elizondo transportation vehicle and have a transportation vehicle with a blast attenuation means.

5. Claims 10 and 11/10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elizondo (504) in view of Batt et al. (648 A1) as applied to claims 8-9, 11/9, and 12-13 above, and further in view of Madden Jr. (719).

Elizondo (504) and Batt et al. (648 A1) apply as previously recited. However, undisclosed is a part of the panel that is transparent polycarbonate. Madden Jr. (719) teach a part of the panel that is transparent polycarbonate (col. 5, line 1). Applicant is substituting one transparent window portion material for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Madden Jr. (719) to the Elizondo and Batt et al. disclosures and have a panel with a transparent polycarbonate panel.

6. Claims 8-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henney (596) in view of Setina.

Henney discloses a public transportation vehicle and associate method comprising:

- | | |
|---|------------|
| a) an interior; and | 10 |
| b) a plurality of interconnect subspaces. | see fig. 1 |

However, undisclosed is a blast protection means that is at least 6 spaced-apart blast-resistant panels positioned in the interior with associated apertures and transparent material (see figs. 1-2; 10, 30) and means for anchoring the panels (24, 22, 26, 28). Applicant is selecting a

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blast protection means and associated means for anchoring and putting it to use as explicitly encouraged by Setina (col. 1, lines 33-47). It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Setina to the Henny public transportation vehicle and have a public transportation vehicle with blast protection means and associated means for anchoring.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henny (596) in view of Setina as applied to claims 8-9 and 12-13 above, and further in view of Madden Jr. (719).

Henny (596) and Setina apply as previously recited. However, undisclosed is a part of the panel that is transparent polycarbonate. Madden Jr. (719) teach a part of the panel that is transparent polycarbonate (col. 5, line 1). Applicant is substituting one transparent window portion material for another in an analogous art setting. It would have been obvious to a person of ordinary skill in this art at the time of the invention to apply the teachings of Madden Jr. (719) to the Henry and Setina disclosures and have a panel with a transparent polycarbonate panel.

8. Applicant's arguments with respect to claims 8-13 have been considered but are moot in view of the new ground(s) of rejection.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sacks, Fleisher et al., and Chiu disclose other state of the art public transportation vehicles.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326. The fax phone number for after final communications is (703) 872-9327.



STEPHEN M. JOHNSON
PRIMARY EXAMINER

Stephen M. Johnson
Primary Examiner
Art Unit 3641

SMJ